

UNITED STATES DISTRICT COURT

JPM/E

## SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8959

UNITED STATES OF AMERICA ) Magistrate Case No.:  
Plaintiff, )  
v. )  
Niel MORGAN )  
Defendant. )  
\_\_\_\_\_  
Title 18 U.S.C. § 2252(a)(4)(B)  
Possession of Images of Minors  
Engaged in Sexually Explicit Conduct

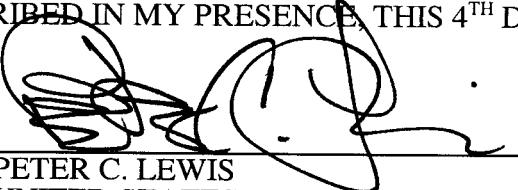
10 The undersigned complainant being duly sworn states:  
11

12 On or about July 17, 2007, within the Southern District of California, defendant Neil Stuart  
13 MORGAN did knowingly possess one or more matters, that is computer hard drive(s) and computer  
14 media containing digital and computer images which contained visual depictions, including files  
15 "04sitfuck1" and "sabnetfck1" that had been mailed, shipped and transported in interstate and  
16 foreign commerce, and which were produced using materials which have been mailed, shipped and  
17 transported in interstate and foreign commerce, by any means including by computer, the production  
18 of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18,  
19 United States Code, Section 2256(2), and which visual depictions were of such conduct; in violation  
20 of Title 18, United States Code, Section 2252(a)(4)(B).

21 The complainant states that this complaint is based on the attached Statement of Facts  
22 incorporated herein by reference.

23   
24 Timothy Ballard, Special Agent  
25 U. S. Immigration & Customs Enforcement

26 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4<sup>TH</sup> DAY  
27 OF DECEMBER 2007.

28   
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

JPMG

1 UNITED STATES OF AMERICA

2 v.

2 Nathan MORGAN

3 **STATEMENT OF FACTS**

4 I am a Senior Special Agent (“SSA”) with the United States Department of Homeland  
5 Security, Immigration and Customs Enforcement (“ICE”) and am currently assigned to the Office  
6 of the Assistant Special Agent in Charge, El Centro, CA (“ASAC/CA”), Cybercrimes division, and  
7 have been in this position since December 2003. This complaint is based on my own investigation  
8 as well as information received from fellow ICE Agents and other law enforcement officers.

9 Starting in or about April 2007, ICE agents conducted Internet searches for child pornography  
10 videos being downloaded and shared on peer-to-peer file share networks. By June 2007, it was  
11 revealed that child pornography videos were allegedly being possessed and distributed from the  
12 residence of Jerry MORGAN: 1601 Drew Rd, Space 39, El Centro, CA. On July 17, 2007, a federal  
13 search warrant for child pornography was executed at the MORGAN residence.

14 During the search, Special Agent Timothy Ballard conducted a non-custodial interview of  
15 Jerry MORGAN’s son, Nathan MORGAN. After Nathan MORGAN was advised of his Miranda  
16 rights, to which he acknowledged and waived, he admitted to having downloaded child pornography  
17 and to having masturbated to images of children as young as 8 years of age. One of the computers  
18 seized and analyzed was a Gateway desktop, which was taken from Nathan MORGAN’s bedroom  
19 and which Nathan MORGAN claimed was his. It was to this computer that Nathan MORGAN  
20 claimed to have downloaded the child pornography. The computer analysis revealed hundreds of  
21 alleged child pornography videos/images contained on the computer. One of those videos was a file  
22 titled “hussyfanPTHc\_11yomanyorgasms!!!!”, which is a video depicting naked prepubescent girls  
23 engaged in masturbation. The children also fondle and perform oral sex on each other. The children  
24 also speak to each other in what appears to be an Eastern European language.

25

26

27

28